

To: CN=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Jayne Carlin/OU=R10/O=USEPA/C=US
Sent: Fri 11/30/2012 2:06:08 AM
Subject: URGENT: Oregon's OSDS Proposal Including Proposed Boundaries Acceptable?

----- Forwarded by Jayne Carlin/R10/USEPA/US on 11/29/2012 06:05 PM -----

From: Don Wayne/DC/USEPA/US
To: Jayne Carlin/R10/USEPA/US@EPA,
Cc: allison.castellan@noaa.gov, MikeO Cox/R10/USEPA/US@EPA, Robert Goo/DC/USEPA/US@EPA
Date: 08/21/2012 10:08 AM
Subject: Re: URGENT: Oregon's OSDS Proposal Including Proposed Boundaries Acceptable?

Jayne & others,

I've included Robert Goo to the cc's and am asking him to weigh in on this. I have also removed Randy Trox with Oregon DEQ from the distribution list. As a matter of protocol, It is better for us all to be on the same page before communicating with state folks, rather than dribbling our opinions individually to Randy.

That said, I do not have a problem with the boundary revisions if this makes the geographic application of the proposed rule more expedient. In my opinion, there are 2 counties with significant areas that lie outside of the rule's applicability but within the CNP boundary: Columbia County in the north and Benton county in the middle. In both cases, there is little population in those portions of these counties. The land use is largely forestry/timber, so I do not anticipate many new additional septic systems being installed in these areas. Also, the new draft evaluation form looks great to me.

Don Wayne
 U.S. Environmental Protection Agency
 Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address:	Office (FedEx/UPS delivery):
Mail Code 4503T	Room 7417H
1200 Pennsylvania Ave, NW	1301 Constitution Ave, NW
Washington, DC 20460	Washington, DC 20004

Phone: (202) 566-1170 Fax: (202) 566-1331
 Email: waye.don@epa.gov Website: epa.gov/nps

From: Jayne Carlin/R10/USEPA/US
To: Don Wayne/DC/USEPA/US@EPA, MikeO Cox/R10/USEPA/US@EPA
Cc: TROX.Randall@deq.state.or.us, allison.castellan@noaa.gov
Date: 08/14/2012 02:27 PM
Subject: URGENT: Oregon's OSDS Proposal Including Proposed Boundaries Acceptable?

Hi All,

Randy (Oregon DEQ) sent an email asking for our approval for Oregon's general OSDS approach and proposed boundaries. He has a Secretary of State filing due tomorrow, so he is feverishly scheduling public hearings for the middle of next month. After the filing is done, Randy will begin getting a fact sheet together and presentation materials. If Oregon's proposal isn't going to fly, they'll need as much time as

possible to figure things out.

Mike provided comments on their approach (see below) and Allison stated "OR's proposal to adjust boundary for OSDS inspections seems reasonable to me and would still capture the vast majority of the systems. I'll let EPA, as the technical experts, make a final decision."

I cc'ed Randy in case I did not capture the issue correctly.

What do you think? Is the proposed approach for setting the boundaries acceptable? Do we give him our blessing to proceed?

Boundary Adjustments

Oregon proposes to adjust the boundary for the time of transfer septic system inspection to make implementation of the program easier. The strategy proposed is to limit the time of transfer rule to counties where the bulk of the county is in the zone and not implement the rule where it is limited and the population isn't significant. The exception is Lane County where there is a good chunk both in and out of the coastal zone, so we had to try to draw it up by township and range. The proposed boundary would be all of the following counties: Clatsop, Tillamook, Lincoln, Coos, Curry, Josephine, Jackson. Lane County boundary would be all portions of the following Townships/Ranges; 15S/07W, 16S/07W, 17S/08W, 18S/07W, 19S/06W, 20S/05W (all points westward of the afore-mentioned townships/Ranges to the Pacific Ocean are also included).

The first attachment shows that the proposal to amend the boundary still captures 98% of the CNPCP boundary.

Jackson and Curry are not drawn to capture the whole county and instead has the CNPCP boundary; however, the draft rule is written for the whole county, again to try to have a consistent implementation message on who is in and who is out. Lane County eastern boundary will be the primary challenge. The good news is the program's HQ is in Lane County.

[attachment "CNPCP_population_analysis.xlsx" deleted by Jayne Carlin/R10/USEPA/US] [attachment "CNPCP_draft_Regulatory_boundary_02AUG2012.jpg" deleted by Jayne Carlin/R10/USEPA/US]

Time of Transfer Outline and Draft Reporting Form

Attached are the draft outline and report form. The outline provides Oregon's current thinking and Randy used the term 'outline' pretty loosely as it's very close to being a section of rules. The draft form is provided so you can get an idea of how the information will come to us. Our intent is to have it submitted electronically and problem reports will be flagged. I'm not sure what our staffing will be to address the bad eggs or whether we will route to local agents (some are county-run and some are DEQ-run) for them to follow up.

Comment from Mike: "It appears to me that the attached Time of Transfer Outline basically extends the time of transfer evaluation requirement from all alternative on site wastewater disposal systems to standard wastewater disposal systems as well within the proposed geographic boundary. The Time of Transfer Outline also lays out the process for evaluation of existing on site wastewater disposal systems, mirroring the Oregon Administrative Rules (OAR) (excerpts attached). What I did not see in the Time of Transfer Outline was the prohibition of discharge from a failing on site wastewater system as found in OAR 340-071-0130 (3)."

Response from Randy: "Current rules require a time of transfer inspection of alternative treatment technologies (i.e. aerobic systems), and we are maintaining similar rules expanded to require a time of transfer of all septic systems in the designated zone. As far as adding a prohibition of a failing system to the proposed rules, section 130 are 'general standards, prohibitions, and requirements for new and existing systems, so we have legal authority in place to require a repair if a failing system is discovered.'"

[attachment "ToTOutlineDraft.pdf" deleted by Jayne Carlin/R10/USEPA/US] [attachment "Time of Transfer Evaluation Form2B.pdf" deleted by Jayne Carlin/R10/USEPA/US]

Regards,

Jayne Carlin, Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140
(206) 553-8512, (206) 553-0165 (fax)

carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>